

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

E.F. and D.R. on behalf of their daughter, N.R.,

Plaintiff(s),

11- CV- 5243(GBD)(FM)

- against -

NOTICE OF MOTION

New York City Department of Education,

Defendant.

PLEASE TAKE NOTICE, that upon the annexed affidavit of Gary S. Mayerson, Esq., together with the exhibits annexed thereto, the accompanying supporting declarations of Jesse Cutler, Esq., Neal Rosenberg, Esq., Barbara Ebenstein, Esq., Andrew Cuddy, Esq., and plaintiffs' accompanying memorandum of law, plaintiffs shall move this Court before the Honorable George Daniels, at the Courthouse, 600 Pearl Street, New York, New York 10007, at a date and time to be fixed by the Court, for an Order pursuant to 20 U.S.C. § 1415(i)(3) and this Court's supervisory powers:

(a) declaring plaintiffs' status as a "prevailing party" in the context of the three related administrative proceedings and appeals, based upon the declaratory, funding and other relief accorded to plaintiffs pursuant to the Impartial Hearing Officer's ("IHO") "Findings of Fact and Decision" dated April 12, 2011, and the State Review Officer's ("SRO") two separate appeal decisions dated December 23, 2010 and July 13, 2011;

(b) awarding plaintiffs their attorneys' fees and related costs and expenses of the underlying, due process hearing and briefing stage following 14 days of trial, in the amount of not less than \$112,717.32;

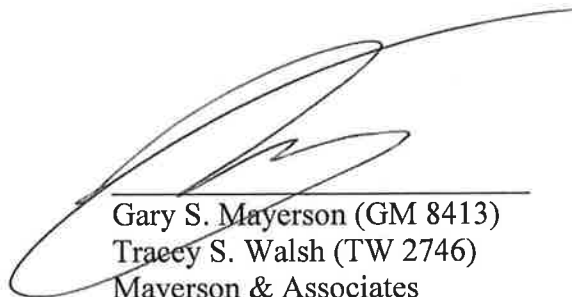
(c) awarding plaintiffs their attorneys' fees and related costs of defendant's unsuccessful November 2, 2010 interim "pendency" appeal to the Office of State Review, in the amount of not less than \$17,698.10

(d) awarding plaintiffs their attorneys' fees and related costs of defendant's unsuccessful "on the merits" appeal from the IHO's final April 12, 2011 decision, in the amount of \$24,256.12.

(e) awarding plaintiffs the attorneys' fees and related costs and expenses of this action, presently in the amount of not less than \$8,794.23, together with any additional fees and costs that plaintiffs are required to incur; and

(f) awarding plaintiffs such other, different and further relief as this Court deems just and proper.

Dated: February 1, 2012
New York, New York



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